

Congress of the United States
House of Representatives
Washington, DC 20515-0403

“I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: so help me God.”

Dear Constituents:

I have taken the above oath many times – both as a public servant, and as an officer in the United States Armed Forces. I have administered that oath to dozens of new officers entering commissioned service. I have committed it to memory. It is sacred to me.

That oath forms the bedrock of how I execute my duties as a Congressman. It is that oath, the electoral processes outlined in our Constitution, and the relevant statutory authority that will guide my decisions regarding the results of the 2020 election. The process is detailed in Article II, Section 1, in addition to the Twelfth Amendment, and is further instructed by the Electoral Count Act of 1887, amended and codified in Title 3 Chapter 1 of the United States Code.

Specifically, Article II Section 1 dictates that “Each state shall appoint in such manner as the legislature thereof may direct, a number of electors...” and that these electors “...shall meet in their respective states, and vote by ballot...” for the president and vice president of the United States. Their work is then signed, certified, and transmitted to Washington, D.C. where it is opened and counted alongside the electoral votes of other states and the District of Columbia. Subsequently, the winner of the presidency is officially declared.

On Wednesday, January 6, 2021, the certified results of the 2020 election will be opened and counted before a joint session of Congress. Pursuant to federal law, the certificated electoral votes will be opened in alphabetical order, and the results read and counted until completion. The Twelfth Amendment requires the winning candidate receive “a majority of the whole number of electors appointed.”

Should there be an objection, said objection must be presented in writing, signed by at least one member of the House and one member of the Senate, and “shall state clearly and concisely, and without argument, the ground thereof...” as determined by the previously mentioned Electoral Count Act of 1887. At that time, the process is suspended and both Chambers meet separately to debate the objection. Each objection provides for up to two hours of debate, whereupon members may speak for up to five minutes each. The presiding officer then puts the matter to a vote; a motion to table the question is not in order, meaning that the vote must be executed at the time it is ordered.

Both Chambers vote separately to agree to or reject the objection, with a simple majority required for either result. Once the result of the objection is determined, the joint session continues.

I have heard from many of my constituents that the election was flawed, and the results tainted with respect to a number of states. Some of this concern stems from whether or not states followed their own election laws that were put in place and what role the courts have in deciding the rules for elections. Ultimately states do have the authority to conduct their own elections and Congressional interference in this process sets a dangerous precedent for our federalist system.

I am proud that Arkansas is not one of the states in question. While many of the claims of fraud have been either adjudicated or denied, I believe the debate will hinge on whether or not certain states followed their own election laws in determining their respective electoral results. A failure by any to have done so could give rise to the prospect of one or more of the electors in the states in question not being “lawfully certified” as is specifically required by federal law.

I expect this process to take quite some time; there will be numerous objections, with rigorous debate on the merits of each. I look forward to hearing the debate, evaluating the merits of each individual objection, and determining my vote based on that evaluation.

In order to set expectations, please understand that the Democrats still maintain a majority in the House of Representatives. While I would hope that each member would keep an open mind regarding the results of the 2020 election and the processes by which they were achieved, I seriously doubt that any Democrat will support an objection.

Like you, I believe that maintaining the integrity of our elections is of paramount importance. I have supported the President; I wanted him to win a second term. I believe that the measures taken and the policies enacted by this administration have been good for our country. With that being said, I will accept a different outcome if we can be certain that every state followed their respective laws in determining their electoral results.

I plead with you to remain patient as we proceed with this process, allowing us the opportunity to exercise the due diligence required of such a critical issue. For your reference, I have included below the relevant portions of the Constitutional and statutory authority referred to in the above text. As always, please do not hesitate to contact my office with any thoughts, questions, or concerns.

Sincerely,



Steve Womack
Member of Congress

Article II, Section I:

“The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately choose by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner choose the President. But in choosing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall choose from them by Ballot the Vice President.”

Twelfth Amendment:

“The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; The person having the greatest Number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President-The person having the greatest number of votes as Vice President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.”

Title 3, Chapter 1 U.S. Code:

“Every objection shall be made in writing, and shall state clearly and concisely, and without argument, the ground thereof, and shall be signed by at least one Senator and one Member of the House of Representatives before the same shall be received. When all objections so made to any vote or paper from a State shall have been received and read, the Senate shall thereupon withdraw, and such objections shall be submitted to the Senate for its decision; and the Speaker of the House of Representatives shall, in like manner, submit such objections to the House of Representatives for its decision; and no electoral vote or votes from any State which shall have been regularly given by electors whose appointment has been lawfully certified to according to section 6 of this title from which but one return has been received shall be rejected, but the two Houses concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified.”